

I have advised applicant of Shielding Right.

B Applicant declined.



☐ CIRCUIT COURT ☒ DISTRICT COURT OF MARYLAND FOR Frederick County

Located at 100 W. Patrick Street Frederick, MD 21701  
Court Address

Tele

D-111-FM-23-000017

Case No.

NOTE: Respondent will be served a copy of this completed document. Petitioner does not need further harm, further abuse, or reveals the confidential address of a shelter. If this the case call the clerk. If you need additional paper, ask the clerk.

Fill in the following, checking the appropriate boxes.

Jennifer Welling OBO Austin Welling vs. Chelsea Phoenix

Petitioner

Respondent

0319 Claridge Dr. S.

214 Rabbitt Rd.

Frederick MD 21701

Gaithersburg MD 20878

City, State, Zip

City, State, Zip

210.578.5037

210.672.8769

Home Telephone No.

Work Telephone No.

Home Telephone No.

Work Telephone No.

☐ Petition filed electronically under FL § 4-505.1

### PETITION FOR PROTECTION FROM

☐ DOMESTIC VIOLENCE ☒ CHILD ABUSE ☐ VULNERABLE ADULT ABUSE  
(Family Law § 4-504)

1. I am ☐ the current or former spouse of the respondent; ☐ a cohabitant of the respondent; ☐ a person related to the respondent by blood, marriage, or adoption; ☐ a parent, stepparent, child, or stepchild of the respondent or the person eligible for relief who resides or resided with the respondent or person eligible for relief for at least 90 days within one (1) year before the filing of the petition; ☐ a vulnerable adult; ☐ an individual who has a child in common with the respondent; ☐ an individual who has had a sexual relationship with the respondent within one (1) year before the filing of the petition; or ☒ an individual who alleges that within six (6) months before the filing of the petition the respondent committed rape or a sexual offense or attempted rape or sexual offense against the individual.

2. I want relief for ☐ myself ☒ minor child ☐ vulnerable adult, from abuse by Chelsea Phoenix

Name of alleged abuser

The respondent, whose present whereabouts (if known) are Shady Grove Adventist Hospital, committed the following acts of abuse against Austin Welling

on or about, Monday 5/29/23 (check all that apply) ☐ kicking ☐ punching ☐ choking/strangling

☐ slapping ☐ shooting ☒ rape or other sexual offense (or attempt) ☐ hitting with object ☐ stabbing ☐ shoving

☐ threats of violence ☐ mental injury of a child ☐ detaining against will ☐ stalking ☐ biting ☐ revenge porn

☐ other

The details of what happened are: Chelsea - 18 year old had sex with Austin - 12 year old

(Give specific details of what happened, when and where it happened, and any injuries sustained)

at 0319 Claridge Dr. S. Frederick, MD 21701 on Monday 5/29/23

3. (If the victim is a child or vulnerable adult, fill in the following): I am asking for protection for a ☒ child

☐ vulnerable adult whose name is Austin Welling

At this time the victim can be found at 0319 Claridge Dr. S. Frederick, MD 21701

I am ☐ State's Attorney ☐ DSS ☒ a relative ☐ an adult living in the home.

4. The person(s) I want protected are (include yourself if you are a victim):

Name(s)

Birthdate

Relationship to Respondent

Austin Welling

2/27/2011

family friend

☐ Mark this box if this form contains Restricted Information.



DISTRICT COURT OF MARYLAND FOR Frederick County

Located at 100 W. Patrick Street, Frederick, MD 21701  
Court Address

City/County  
Telephone 301-600-2008

Case No. \_\_\_\_\_

NOTE: Respondent will be served a copy of this completed document. Petitioner does not need to give an address if doing so risks further harm.

Chelsea Phoenix

Respondent's Name

PETITION FOR PROTECTION/PEACE ORDER  
CONTINUATION SHEET

Page \_\_\_\_\_ of \_\_\_\_\_

MDEC counties only: If this submission contains Restricted Information (confidential by statute, rule or court order) you must file a Notice Regarding Restricted Information Pursuant to Rule 20-201.1 (form MDJ-008) with this submission and check the Restricted Information box on this form.

Seeking protective order against Chelsea Phoenix - She texted multiple <sup>people</sup> that she had sex with a minor - 12 year old Austin Welling - Austin admitted this happened. Currently have Case # with Gaithersburg Police - 230026192 + Frederick County Sheriff's Office - 23-060879. I'd like no contact of any kind from Chelsea to Austin. Chelsea is the 18 year old daughter of Austin's Mother's fiance.

6/1/23

Date

Jan Welling OBO Austin Welling  
Petitioner's Signature

Case No. \_\_\_\_\_  
Jennifer Welling OBO Austin vs. Chelsea Phoenix  
Petitioner Welling Respondent

5. The person(s) I want protected now lives, or has lived, with the respondent for the following period of time during the past year: \_\_\_\_\_

There ☐ are ☐ are not additional persons living in the home.

6. I know of the following court cases involving me, or the person I want protected, and the respondent. (examples include: paternity, child support, divorce, custody, domestic violence, juvenile cases, criminal cases).

Court	Kind of Case	Year Filed	Result or Status (if you know)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

7. I have received a Final Protective Order against the same respondent that expired within one (1) year of the abuse alleged in this petition, and which was issued for a period of at least six (6) months.

☐ Date issued \_\_\_\_\_

☐ Date expired \_\_\_\_\_

☐ Location where issued \_\_\_\_\_

City/County/State

8. Describe all past injuries the respondent has caused the victim, and give date, if known \_\_\_\_\_

9. The respondent owns or has access to the following firearms: \_\_\_\_\_

10. I want the court to order the respondent: (NOTE: Petitioner need not give an address if doing so risks further abuse)

☒ NOT to abuse or threaten to abuse Austin Welling Name(s)

☒ NOT to contact, attempt to contact, or harass Austin Welling Name(s)

☒ NOT to go to the residence(s) at 10319 Claridge Dr S. Frederick, MD 21701 Address

☒ NOT to go to the school(s) at T.J. Middle School Name of school and address  
1799 Schifferstadt Blvd, Frederick MD 21701

☐ NOT to go to the child care provider(s) \_\_\_\_\_ Name of child care provider and address

☐ NOT to go to the work place(s) at \_\_\_\_\_ Name(s)

Case No. \_\_\_\_\_  
Jennifer Welling OBO Austin vs. Chelsea Phoenix  
Petitioner Welling Respondent

☐ to leave the home at \_\_\_\_\_ Address \_\_\_\_\_  
and give possession of the home to \_\_\_\_\_

The name(s) on the deed or lease are: \_\_\_\_\_

☐ to turn over firearm(s) to a law enforcement agency.

☐ to go to counseling for ☐ domestic violence ☐ drug/alcohol ☐ other

☐ to pay money as Emergency Family Maintenance (*may be taken from respondent's paycheck*).

11. I also want the court to order:

☐ custody of \_\_\_\_\_ Name(s) of child(ren) \_\_\_\_\_  
be granted to \_\_\_\_\_ Name \_\_\_\_\_

☐ use and possession of the following jointly-owned vehicle be awarded to \_\_\_\_\_ Name \_\_\_\_\_  
Description of vehicle \_\_\_\_\_

☐ temporary possession of the pet(s) \_\_\_\_\_ Name and description \_\_\_\_\_  
be awarded to \_\_\_\_\_ Name \_\_\_\_\_

☐ in the final order, the following additional relief necessary to protect \_\_\_\_\_ Person eligible for relief \_\_\_\_\_  
from abuse: \_\_\_\_\_

12. (*Fill in only if you are seeking Emergency Family Maintenance.*) The respondent has the following financial resources:

Income from employment in the amount of \$ \_\_\_\_\_ every ☐ week ☐ 2 weeks ☐ month

☐ other \_\_\_\_\_

Source of employment income \_\_\_\_\_ Name and address of source and amount(s) received \_\_\_\_\_

Income from other source \_\_\_\_\_ Name and address of source and amount(s) received \_\_\_\_\_

The respondent also owns the following property of value: Automobile(s) \$ \_\_\_\_\_ Estimated value \_\_\_\_\_

Home \$ \_\_\_\_\_ Estimated value \_\_\_\_\_ Bank Account(s) \$ \_\_\_\_\_ Estimated value \_\_\_\_\_

Other: \_\_\_\_\_

I solemnly affirm under the penalties of perjury that the contents of this document are true to the best of my knowledge, information, and belief.

10/1/23 Date Jennifer Welling OBO Austin Welling Petitioner

☒ I have filled in the Addendum (Description of Respondent), CC-DC-DV-001A

**NOTE**

If you believe that you have been a victim of abuse and that there is a danger of serious and immediate injury to you, you may request the assistance of a police officer or local law enforcement agency.

The law enforcement officer must protect you from harm when responding to your request for assistance and may, if you ask, accompany you to the family home so that you may remove clothing and medicine, medical devices, and other personal effects required for you and your children, regardless of who paid for them.

You are entitled to request that the address and telephone number of a victim, a complainant, or a witness be considered for shielding at the filing of this application.

**NOTICE TO CUSTODIAN:** A person who places in a judicial record identifying information relating to a witness shall give the custodian written or electronic notice that such information is included in the record, where in the record that information is contained, and whether that information is not subject to remote access under this Rule, Rule 1-322.1, Rule 20-201, or other applicable law. Except as federal law may otherwise provide, in the absence of such notice a custodian is not liable for allowing remote access to the information.



☐ CIRCUIT COURT ☒ DISTRICT COURT OF MARYLAND FOR Frederick City/County

Located at 100 W. Patrick Street, Frederick, MD 21701 Case No. \_\_\_\_\_  
Court Address

Jennifer Welling OBO Austin Welling vs.

Name of Petitioner on Original Court Order  
6319 Claridge Dr. S.

Street Address, Apt. No.

Frederick MD 21701

City, State, Zip

240.578.5837

Home Telephone No. Work Telephone No.

Chelsea Phoenix

Name of Respondent on Original Court Order

214 Rabbit Rd.

Street Address, Apt. No.

Gaithersburg MD 20878

City, State, Zip

240.672.8769

Home Telephone No. Work Telephone No.

### ADDENDUM TO PETITION FOR PROTECTIVE ORDER (DESCRIPTION OF RESPONDENT)

Failure to provide information on this Addendum may prevent law enforcement from processing the Court's Protective Order. This may endanger your safety or the safety of another protected party. Please provide as much information as possible.

### DESCRIPTION OF RESPONDENT (Alleged Abuser)

Full Name: Chelsea Elizabeth Phoenix		Date of Birth: 11/25/2005		Approximate Age: 18	
Race: White	Sex: F	Height: 5'4"	Weight: 115	Hair Color: Brown	Eye Color: Blue/Green
Skin Tone (Light/Medium/Dark): Light					
Scars, Tattoos (where on body and description):					
Home Address: 214 Rabbit Road					
City, State, Zip: Gaithersburg MD 20878					
Telephone/Cell Number: 240.672.8769					
Employer: _____					Work Hours: _____
Work Address: _____					
City, State, Zip: _____					Telephone Number: _____
Vehicle Make: _____	Model/Color: _____	Year: _____	Tag #: _____	State: _____	
Weapons: _____					
Other locations or information about respondent: _____					

### PETITIONER

(Person Requesting Assistance)

Full Name: Jennifer Welling OBO Austin Welling		Date of Birth: 2/27/2011		Age: 12	
Race: White	Sex: M	Height: 5'6"	Weight: 140		

### INFORMATION ABOUT OTHER PERSONS PETITIONER WANTS PROTECTED

Full Name: Austin Welling	Race: White	Sex: M	Date of Birth: 2/27/2011	Weight: 140	Approx. Age: 12
Full Name: _____	Race: _____	Sex: _____	Date of Birth: _____	Weight: _____	Approx. Age: _____
Full Name: _____	Race: _____	Sex: _____	Date of Birth: _____	Weight: _____	Approx. Age: _____
Full Name: _____	Race: _____	Sex: _____	Date of Birth: _____	Weight: _____	Approx. Age: _____

Petitioner's Signature: Jennifer Welling OBO Austin Welling Date: 6/1/23

Petitioner's Telephone Number: 240.578.5837

## DEFINITION OF TERMS

(for use with (CC-DC-DV-001) Petition for Protection from Domestic Violence, Child Abuse, and Vulnerable Adult Abuse)

**Petitioner:** The person filing the petition.

**Respondent:** The alleged abuser.

**Person Eligible for Relief:**

- the current or former spouse of the respondent
- a cohabitant of the respondent
- an individual related to the respondent by blood, marriage or adoption
- a parent, stepparent, child, or stepchild of the respondent or person eligible for relief who lives or lived with the respondent or person eligible for relief for a period of at least 90 days within one (1) year before the filing of the petition
- a vulnerable adult
- an individual who had a child with the respondent
- an individual who has had a sexual relationship with the respondent within one (1) year before the filing of the petition
- an individual who alleges that within six (6) months before the filing of the petition the respondent committed rape or a sexual offense or attempted rape or sexual offense against the individual.

**Vulnerable Adult:** An adult who lacks the physical or mental capacity to provide for the adult's daily needs.

**Spouse:** An individual who is married.

**Cohabitant:** An individual who has had a sexual relationship with the respondent and has resided with the respondent, in the home, for a period of at least 90 days within one (1) year before the filing of the petition.

**Child Care Provider:** The person who provides supervision and care for a minor child.

**Pet:** A domesticated animal that does not include livestock.

**Abuse:**

- an act that causes serious bodily harm or places an individual in fear of imminent serious bodily harm
- an assault in any degree
- rape or sexual offense or attempted rape or sexual offense
- false imprisonment (keeping an individual in a place against their will)
- stalking
- child abuse
- vulnerable adult abuse
- revenge porn

**Child Abuse:**

- physical or mental injury of a child under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed by:
  - 1) a parent;
  - 2) a household member;
  - 3) a family member;
  - 4) a person who has permanent or temporary care or custody of the child;
  - 5) a person who has responsibility for supervision of the child; or
  - 6) a person who, because of the person's position or occupation, exercises authority over the child.
- sexual abuse of a child, whether physical injuries are sustained or not.
- "abuse" does not include the physical injury of a child by accidental means.

**Vulnerable Adult Abuse:** An act of abuse or sustaining physical injury as a result of cruel or inhumane treatment or as a result of a malicious act against a vulnerable adult who is physically or mentally incapable of providing for their daily needs.

**Mental Injury of a Child:** An observable, identifiable, and substantial impairment of a child's mental or psychological ability to function caused by an intentional act or series of acts, regardless of whether there was an intent to harm the child.

**Emergency Family Maintenance:** A monetary award that can be ordered when the respondent has a duty to support the person eligible for relief. An individual has a duty to support their child or spouse.

The amount of the award is based on the petitioner's or person eligible for relief's need, and the resources available to the petitioner or person eligible for relief, and the respondent.

**Use and Possession of a Vehicle:**

- Sole right to use a vehicle.
- This is only available if the petitioner's, as well as the respondent's, name is on the title of the vehicle.
- The vehicle must be necessary for employment of the petitioner or care of a minor child of the respondent or petitioner.

### **Interim Protective Order:**

An Interim Protective Order from abuse, issued by a District Court commissioner, which may last no longer than the end of the second business day after it is issued. In an Interim Protective Order, a commissioner may order the respondent:

- not to abuse, threaten to abuse, contact, attempt to contact, or harass any person eligible for relief
- to remain away from a residence, school, place of employment, residence of family member, and award temporary use and possession of home
- to vacate the home
- under certain circumstances, a commissioner may also award temporary custody
- award temporary possession of any pet belonging to the person eligible for relief or the respondent

### **Temporary Protective Order:**

A Temporary Protective Order from abuse, issued by a judge, which may last until the Final Protective Order hearing, but not beyond six (6) months. A Temporary Protective Order may be issued on a petitioner's application alone (ex parte) or, if the respondent appears at the Temporary Protective Order hearing, on testimony from both petitioner and respondent. In a Temporary Protective Order, a judge may order the respondent:

- not to abuse, threaten to abuse, contact, attempt to contact, or harass any person eligible for relief
- to remain away from a residence, school, place of employment, or child care provider
- to vacate the home
- award temporary possession of any pet of the person eligible for relief or the respondent

The judge may also award temporary custody of a minor child.

### **Final Protective Order:**

A Final Protective Order from abuse, issued by a judge, may last for as long as one (1) year. The court for good cause may extend the term of the Final Protective Order for an additional six (6) months after a further hearing.

A Final Protective Order may be granted for as long as two (2) years if:

- the same person eligible for relief previously obtained a Final Protective Order against the same respondent AND
- the prior order lasted for at least six (6) months AND
- within one (1) year of the expiration of the order,
  - the respondent commits an act of abuse against the person eligible for relief OR
  - the respondent consents to the order

In a Final Protective Order, a judge must order the respondent to surrender all firearms and refrain from possession of any firearm for the duration of the order.

In a Final Protective Order, the judge may order the respondent:

- not to abuse, threaten to abuse, contact, attempt to contact, or harass any person eligible for relief
- to remain away from a residence, school, place of employment, or child care provider
- to vacate the home
- to pay Emergency Family Maintenance
- to participate in counseling
- to pay court costs

The judge may also:

- award custody of minor children and establish temporary visitation
- award temporary use and possession of a vehicle
- issue an Earnings Withholding Order for the payment of Emergency Family Maintenance by the respondent
- award temporary possession of any pet of the person eligible for relief or the respondent
- order any other relief that the judge determines is necessary to protect a person, eligible for relief, from abuse

### **Permanent Protective Order:**

A Permanent Protective Order from abuse shall be issued if:

- requested by the person eligible for relief against an individual who was the respondent in a previously issued Interim, Temporary, or Final Protective Order; AND
- the respondent was convicted and sentenced to serve a term of imprisonment of at least five (5) years and served at least 12 months of the sentence for:
  - the act of abuse that led to the issuance of the Interim, Temporary, or Final Protective Order; OR
  - committing an act of abuse against the person eligible for relief during the term of the Interim, Temporary, or Final Protective Order.

In a Permanent Protective Order, a judge may order the respondent:

- not to abuse, threaten to abuse, contact, attempt to contact, or harass any person eligible for relief only if the court ordered this relief in the original protective order.